

DECLARATION OF GERALD ARMSTRONG

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2 1. I am the defendant and cross-complainant in the case of
3 Church of Scientology of California v. Armstrong, Case No.
4 420153.

5 2. I am making this Declaration to support a motion to have
6 plaintiff deliver to me my "auditing" and "ethics" files, now in
7 its or a connected organization's possession.

8 3. During the process of "auditing" in Scientology, a
9 person being "audited," hereafter referred to as "penitent,"
10 communicates to the clergyman, counselor, or therapist,
11 hereafter referred to as "auditor," his innermost thoughts and
12 relates incidents from his life which are emotionally charged,
13 embarrassing or for which he could be blackmailed. The auditor
14 writes down what the penitent says in "auditing reports." The
15 auditor demands and records details such as time and place when
16 an incident occurred, who was present, who knew about the
17 incident, their relationship to the penitent and their address or
18 general location. These "auditing reports" form, along with the
19 auditor's notes and instructions made after the auditing
20 sessions, the penitent's auditing files. My auditing files are
21 from approximately one thousand hours of auditing and total over
22 two feet in height. These are the files, along with my "ethics"
23 files, and any copies, notes or excerpts from these files, that I
24 seek to have delivered to me.

25 4. When I became involved with Scientology, and when I
26 joined the Sea Organization, I did so in part because of the
27 promises made to me that auditing reports and statements made
28 during auditing were to be absolutely confidential between

1 auditor and penitent. I was told that these statements were
2 treated like the confessions of Catholics to their priests, that
3 they would never be passed on to others and would not be used
4 against the penitent. I was never told of use of auditing
5 information by the hierarchy of Scientology against penitents,
6 nor of the fact that the hierarchy and the intelligence bureau
7 personnel of Scientology had complete access to auditing files.
8 My learning of the actual use to which auditing information is
9 put was a major factor in my leaving the organization. The fact
10 that the organization refuses to turn over my personal records
11 by claiming they are "protected" by the "clergyman-penitent
12 privilege" which they have for decades ignored and abused, is a
13 situation designed by Scientology to bring about my emotional
14 disintegration.

15 5. I seek the delivery to me of my personal auditing and
16 ethics files for a number of reasons. They are my property
17 because they are my statements made as a penitent. As such, they
18 are protected by the "clergyman-penitent privilege." Yet, I
19 cannot exert the privilege, and stop the organization's use of
20 these files as long as they remain in Scientology's possession.
21 I seek an understanding from these records of what happened to me
22 during my thirteen years of involvement with Scientology. There
23 are aspects of the mind control by Hubbard and the organization
24 which as yet elude me. I worked over eleven years, virtually
25 without pay and doing things as directed by Hubbard and the
26 organization that no sane person would do. I feel that my
27 auditing records will shed a great deal of light on this
28 subject. My emotional stability I feel was damaged by

1 Scientology, both while inside and by the attacks on me after
2 leaving, and the continued possession of my personal auditing
3 records and violation of my rights does not allow any emotional
4 healing. The organization or Hubbard and his agents will use the
5 information from my personal auditing files against me, both in
6 and out of the legal arena. I seek to prevent Hubbard and the
7 organization from this abusive action. Hubbard and the
8 organization have labelled me their "enemy" and a "suppressive
9 person" (or one of the 2 1/2 percent most evil people in the
10 world). They do not consider me a friend, and their motivation
11 for retaining my personal auditing files is not friendship or
12 interest in my welfare. They actively seek my destruction.

13 6. During my years of involvement with Hubbard and
14 Scientology I learned by direct observation how the organization
15 uses penitents' "confidential" auditing information. While
16 working in the Guardian's Office and L. Ron Hubbard's
17 Communications Bureau, I coded and decoded telexes which
18 contained such information gleaned from auditing files. The
19 information came from the Guardian's Office (or Intelligence
20 Bureau), and without the knowledge of the penitents. The
21 transmitted information dealt mainly with the penitents' sexual
22 activities, their family, drug use, criminal activity in their
23 past, "buttons" (things which could be used to exert control over
24 the penitents), and things for which the penitents could be
25 blackmailed. In 1980 and 1981 I learned from Guardian's Office
26 operatives that because of its social unacceptability and legal
27 problems they could no longer use auditing information directly.
28 Instead, they gleaned the information from auditing files then

1 sought out "third parties" or created "third parties" who could
2 provide the same information. Since the auditing reports
3 contained the time and place where incidents occurred, and who
4 was present or knew about the incident, this was relatively easy
5 to do. In 1980 I was asked by a GO operative to "verify"
6 information taken from the auditing files of Tonja Burden, a
7 young girl then considered an "enemy" of Scientology. The
8 operative knew details from Ms. Burden's "confidential" files and
9 related these to me to see if I could be the "third party" to
10 "provide" the information in a declaration or as a witness.

11 7. A number of times during my involvement with
12 Scientology I was ordered, either by Intelligence Bureau
13 personnel or Hubbard's personal agents, to cull usable
14 information from penitents' auditing files. The information
15 culled was written or typed into lists and kept by the GO or
16 Hubbard's agents separate from the auditing files. This was
17 standard practice with anyone who requested to leave or did leave
18 the organization or was considered in any way a "threat."
19 Undoubtedly it has already occurred with my "confidential" files.
20 The classes of information I was ordered to extract from auditing
21 reports were: anything concerning the penitents' sexual
22 activities, including time, place, form, event and names and
23 addresses of all sexual partners; any involvement with drugs,
24 including time, place, form, event and names of anyone else
25 involved; any criminal activities with complete details; anything
26 for which the penitents could be blackmailed; any information on
27 family members, friends, associates, connections. In short, the
28 information sought by the GO and Hubbard's personal agents was

1 intelligence data exactly like that sought and used by the KGB or
2 the Gestapo.

3 8. Only in 1982, after leaving Hubbard's personal staff
4 and the Sea Organization did I find that the practices regarding
5 the use of "confidential" auditing files for intelligence
6 purposes existed as written policy long before I joined the Sea
7 Organization. In a Guardian's Order dated December 16, 1969,
8 entitled PROGRAMME: INTELLIGENCE: INTERNAL SECURITY, Mary Sue
9 Hubbard, then directly responsible to L. Ron Hubbard, wrote:

10 "VITAL TARGETS:

11 1. This Programme is to be done by the Asst.
12 Guardian or the D/A/Guardian for Intelligence,
13 if this post is held separately.

14 2. To establish intelligence files on all
15 such persons found to be infiltrators, double
16 agents, and disaffected staff members, Scien-
17 tologists and relatives of Scientologists.

18 OPERATING TARGETS:

19 1. To make full use of all files on the
20 organization to effect your major target.
21 These include personnel files, Ethics files,
22 Dead files, Central files, training files,
23 processing files and requests for refunds.

24 2. To assemble full data by investigation of
25 each person located for possible use in case
26 of attack or for use in preventing any attack
27 and to keep files of such." (GO 121689 MSH,
28 attached hereto as Attachment 1.)

1 If I had known of this policy and practice in 1969 I would never
2 have become involved with Scientology.

3 9. The public statement by Hubbard and the Scientology
4 organizations is that the purpose of auditing is to free
5 individuals. Yet the real use to which auditing is put is to
6 entrap and control individuals. Many of the people in
7 Scientology are Hubbard's unwitting dupes; they believe that, to
8 some degree at least, their participation in the covert and
9 illegal use of confidential auditing files has something to do
10 with freeing individuals. Hubbard's personal writings during
11 the period of his creation of Dianetics and Scientology, however,
12 reveal a completely different and very non-altruistic motivation.
13 In these writings, now under seal in the Court, Hubbard wrote
14 that he would control this sector of the Universe, that all men
15 will bow down to his will, and that he has the right to use
16 men's minds. There are approximately two hundred pages of such
17 writings presently under seal. These reveal Hubbard's intent to
18 control people, his utter disregard for individuals' rights and
19 his meglomania. The illegal use to which he and his organization
20 have put and do put penitents' statements, made in confidence,
21 fit with the pattern of Hubbard's life and his mental state as
22 shown in the sealed documents.

23 10. Hubbard's and Scientology's attorneys are knowing or
24 unknowing participants in the illegal use of "confidential"
25 penitents' files. Plaintiff's attorney, Karl Kohlweck, in
26 refusing to produce my "ethics" file stated:

27 ". . . 'ethics' files of parishioners of the
28 Church of Scientology contain information

1 derived from confidential communications
2 between the parishioners and ministers of the
3 Church. Plaintiff Church of Scientology of
4 California asserts the priest-penitent
5 privilege with respect to the contents of such
6 files." (Response to Defendant's First Request
7 for Production of Documents attached hereto as
8 Attachment 2.)

9 Besides being ludicrous--the "Church" asserting the privilege for
10 the penitent when the penitent himself is requesting the files--
11 it is a clear example of obstruction of justice and abuse of the
12 justice system. In my deposition of August 18, 1982, Mr.
13 Kohlweck asked a series of questions which began:

14 "Q Mr. Armstrong, isn't it a fact that
15 during December of 1977 there was dispatch
16 concerning you, that you were approved for
17 duty at the S. U. or Special Unit, provided you
18 were not ever to be on C.M.O. or Commodore
19 Staff Guardian lines nor at any time on G.O.
20 lines, Guardian's Office lines, or any
21 position senior to Messenger? Are you aware
22 of such a dispatch?" (Deposition of Gerald

23 Armstrong taken August 18, 1982, p.208,
24 attached hereto as Attachment 3.)

25 The "dispatch" Mr. Kohlweck appears to know in such detail I know
26 to be from my "ethics" file. From not only this instance, but
27 from a very long experience with Scientology, it is clear to me
28 that the priest-penitent privilege means nothing to Hubbard or

1 the Scientologists he controls, other than as a vehicle to
2 prevent the penitent from exerting his privilege, and at the same
3 time selectively using the information from the files not
4 relinquished to the penitent because they are "privileged." It
5 is the penitent's privilege; it most certainly is not the
6 organization's. It is just this sort of convoluted perversion of
7 the law and the individual's rights which has been Hubbard's
8 modus operandi for more than thirty years.

9 11. My attorney has written CSC, requesting delivery to me
10 of my "auditing" files and "ethics" files. The organization has
11 not even responded, yet they have claimed these files are
12 protected by the priest-penitent privilege.

13 Evidence Code Section 1033 states:

14 Privilege of Penitent: "Subject to Section 912, a
15 penitent, whether or not a party, has a privilege
16 to refuse to disclose, and to prevent another from
17 disclosing, a penitential communication if he
18 claims the privilege."

19 Section 912 deals with waiver of privilege.

20 I do not waive the privilege, and in fact insist upon it. The
21 only way I can exert the privilege and prevent CSC or Hubbard
22 from disclosing my "penitential communications" is to have the
23 ~~"auditing" and "ethics" files, and all copies delivered to me.~~

24 Yet CSC and Hubbard refuse, claiming "priest-penitent" privilege,
25 which is my privilege, not theirs.

26 12. Hubbard has set the organization's policy regarding
27 lawsuits:

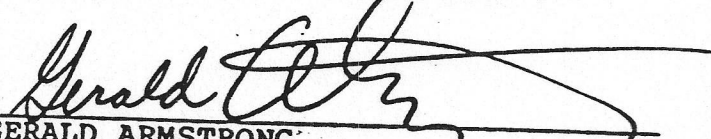
28 "The law can be used very easily to harass,

1 and enough harassment on somebody who is
2 simply on the thin edge anyway, well knowing
3 that he is not authorized, will generally be
4 sufficient to cause his professional decease.
5 If possible, of course, ruin him utterly."
6 (Level "0" Checksheet by L. Ron Hubbard,
7 attached hereto as Attachment 4.)

8 It is very clear that the refusal to deliver to me my "auditing"
9 and "ethics" files, which have no possible legal use to Hubbard
10 or the organization, is simply harassment. Hubbard's directed
11 harassment of me has put me "on the thin edge" as he intended. I
12 am deeply disturbed by the abuses and harassment by Hubbard and
13 the people he controls and their desire to ruin me utterly.

14 I declare under penalty of perjury that the foregoing is
15 true and correct.

16 Executed this 18th day of December 1983 at Costa Mesa,
17 California.

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19 GERALD ARMSTRONG
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